

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

DAMIEN WRIGLEY,

Plaintiff,

Case No. 3:18-cv-00135-MMD-WGC

v.

PETERS, et al.,

ORDER

Defendants.

Pro se Plaintiff Damien Wrigley brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge William G. Cobb (ECF No. 37), recommending that the Court grant Defendant Smith’s motion to dismiss (ECF No. 34). Plaintiff had until November 26, 2020 to file an objection. (*Id.*) To date, no objection has been filed.¹ For that reason, and because the Court agrees with Judge Cobb’s recommendation, the Court will adopt the R&R.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

¹Plaintiff has failed to notify the Court of his change of address, resulting in prior filings sent to Plaintiff being returned as undeliverable. (See e.g., ECF No. 32.)

1 Because there is no objection, the Court need not conduct *de novo* review, and is
2 satisfied Judge Cobb did not clearly err. As Judge Cobb noted, Plaintiff has been provided
3 sufficient notice since June 24, 2020 that this action will be dismissed for failure to
4 prosecute. (ECF No. 37 at 3 (noting that the Court issued an order to show cause to
5 Plaintiff as to why this action should not be dismissed for failure to prosecute on June 24,
6 2020 (ECF No. 30).) The Court agrees with Judge Cobb's reasoning and adopts the R&R.

7 It is therefore ordered that the Report and Recommendation of Magistrate Judge
8 William G. Cobb (ECF No. 37) is accepted and adopted in full.

9 It is further ordered that Defendant's motion to dismiss (ECF No. 34) is granted.

10 It is further ordered that this action is dismissed without prejudice for failure to
11 prosecute.

12 The Clerk of Court is directed to enter judgment in accordance with this order and
13 close this case.

14 DATED THIS 1st Day of December 2020.



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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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